

ER-9-2191/8

2 MAY 1957

Honorable Thomas S. Messing, Jr.
 Chairman
 Subcommittee on Constitutional Rights
 Senate Committee on the Judiciary
 Washington 25, D. C.

REPORTER NO. _____
 RE CALL NO. 100-1000-12
 BY _____
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 DATE: 25/2/81 REVIEWED:

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Dear Mr. Chairman:

I refer to your letter of 2 April 1957, requesting a report from this Agency on occasions since May 17, 1954 when we have refused information to Congressmen or Congressional Committees.

By way of background, it may be useful to refer to the laws and regulations which govern the disclosure or withholding of information by this Agency. Section 102(d)(3) of the National Security Act of 1947, (P. L. 253, 80th Congress), as amended, provides in part That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure. Section 7 of the Central Intelligence Agency Act of 1949 (P. L. 110, 81st Congress), as amended, provides as follows:

In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102(d)(3) of the National Security Act of 1947 (Public Law 253, Eightieth Congress, first session) that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of sections 1 and 2, chapter 795 of the Act of August 28, 1935 (49 Stat. 956, 957; 5 U.S.C. 654), and the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency: Provided, That in furtherance of this section, the Director of the Bureau of the Budget shall make no reports to the Congress in connection with the Agency under section 607, title VI, chapter 212 of the Act of June 30, 1945, as amended (5 U.S.C. 947 (b)).

[Signature]

[Signature]

Within this legislative framework, we are governed by the provisions of the various Executive Orders pertaining to the protection of security information.

The following is a summary description of the occasions on which this Agency has declined to furnish information to Congressmen or to Congressional committees, together with the reasons therefor. Names have been omitted for reasons I am sure you will appreciate.

- a. On 29 January 1955 the Chairman of the Senate Committee on Government Operations was informed by letter that we would be unable to furnish information regarding numbers and categories of personnel for inclusion in an unclassified report being prepared by the Committee, citing the appropriate provisions of Section 7 of the Central Intelligence Agency Act of 1949. The Committee accepted our conclusions that such information should not be released, as they had in connection with previous reports.
- b. In April 1955, we indicated to a member of the staff of the Senate Permanent Investigations Subcommittee that we would be unable to furnish certain classified information on railroad systems within the USSR. This involved the protection of sources and methods, as provided in Section 102(d)(3) of the National Security Act of 1947.
- c. On 5 May 1955, a letter was sent to a Senator, declining to furnish a photostat of a Personal History Statement submitted by a candidate for employment with this Agency, unless the individual concerned authorized us to do so in writing, because the Statement contained highly personal and confidential medical data.
- d. On 9 May 1955, the administrative assistant of a senator was informed that we would be unable to furnish a letter to an ex-employee giving the reasons for the resignation of that individual. The administrative assistant was advised that such a procedure was contrary to Agency policy. He was further informed, however, that the Director of Personnel had advised the ex-employee that if any prospective employer contacted the Agency, he would be told that the resignation was solely for medical reasons. There were no security considerations involved in this case.

e. On 14 June 1955 a letter was sent to the Counsel of the Subcommittee on Government Employees' Security Program of the Senate Committee on Post Office & Civil Service, informing him that we would be unable to answer questions relating to the number and names of personnel engaged in a certain program activity, together with grades, duties, titles and salaries. The authority for this action was Section 7 of the CIA Act of 1949.

f. In August 1955 a member of the staff of the Senate Permanent Investigations Subcommittee was informed that we could not furnish him with the name of a certain official in Europe as a contact on the subject of East-West trade. This again involved a problem of the protection of sources and methods, and the staff member was advised to deal directly with United States diplomatic representatives.

g. On 27 August 1955 a letter was sent to the Chairman of the House Committee on Government Operations indicating that we could not furnish the names of certain consultants with this Agency. It was explained that these individuals were engaged in highly classified projects, the security of which would be compromised if their association were known. The Acting Director offered to discuss individual cases orally with the Chairman if he so desired, and other pertinent information requested by the Committee was furnished.

h. On 8 September 1955 a letter was sent to the Counsel of the Subcommittee on Government Employees' Security Program of the Senate Committee on Post Office & Civil Service, informing him that we would be unable to comply with a request that we furnish information on the number of sensitive positions in the Central Intelligence Agency. It was explained that we could not comply with the request due to the fact that all regular Agency positions were considered as "sensitive" within the meaning of Executive Order 10450, and that accordingly the publication of the number of employees would fall within the inhibitions of Section 7 of the CIA Act of 1949.

i. On 14 June 1956 a letter was sent to the Chairman of the Inter-governmental Relations Subcommittee of the House Committee on Government Operations explaining why we were unable to release to the subcommittee certain classified information which had been originated

by other agencies of the Government. It was pointed out that the authority for the release of such information rested solely with the responsible agencies concerned.

The foregoing are the only cases in our records of any failure to furnish information requested by Congressmen or Congressional committees within the time period referred to in your letter. In each case the reasons for our inability to furnish the information were explained fully to the requesting officials, and to the best of our knowledge they were found to be reasonable in the light of our statutory responsibilities.

The Director of Central Intelligence appears regularly before established subcommittees of the Armed Services and Appropriations Committees of the Senate and of the House, and makes available to these subcommittees complete information on Agency activities, personnel and expenditures. No information has ever been denied to these subcommittees. The Director also regularly briefs the Joint Committee on Atomic Energy on matters which fall within the Committee's sphere of interest. This Agency maintains contacts with a number of other committees and members of the Congress, and, apart from the instances cited above, has complied with requests for information, classified or unclassified. The only exceptions to the general rule are cases where the requesting official, after discussion with Agency officials, has agreed that the nature of the information originally requested was such that its release would be detrimental to the security interests of the United States.

I trust that this information is responsive to your inquiry. We wish to cooperate with your subcommittee in every way possible, and if further information is desired, we will do our best to furnish it.

Sincerely,

IG/LC:NSPaul/bic (30 Apr. 57)

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